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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,534	02/04/2004	Geoffrey C. Lee	LOC005-US	2818
24222	7590	05/04/2005	EXAMINER	
<b>MAINE &amp; ASMUS</b> 100 MAIN STREET P O BOX 3445 NASHUA, NH 03061-3445				OUELLETTE, JONATHAN P
		ART UNIT		PAPER NUMBER
				3629

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/771,534	LEE, GEOFFREY C.	
Examiner	Art Unit		
Jonathan Ouellette	3629		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 February 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-37 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20040524.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
2. **Claims 1-6, 8-13, 17-22, 24-30, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US 6,714,944 B1) in view of Arndt et al. (US 2005/0027672 A1).**
3. As per **independent Claims 1, 17 and 37**, Shapiro discloses a method (system, computer readable medium) for performing a candidate-initiated background check and verification (Fig.2), the method comprising: issuing a candidate-initiated query (Fig.2, Candidate enters site and registers data for verification and storage; C3 L26-43, C7 L18-36) to one or more databases storing information associated with various potential candidates (C6 L35-54), so as to assess the candidate's acceptability for a particular engagement based on at least one of a background check and verification of information provided by the candidate (C5 L44-47; C5 L64-66, job candidate); generating a report that includes results of the candidate-initiated query (C7 L56-66, MVD – Master Verification Document), the results indicating the candidate's acceptability for the particular engagement (C5 L44-47; C5 L64-66, job candidate).

4. Shapiro fails to expressly disclose allowing the candidate to review and annotate the report prior to any selective viewing by a potential engaging party.
5. Arndt discloses allowing the candidate to review and annotate the report prior to any selective viewing by a potential engaging party (Para 0033).
6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included allowing the candidate to review and annotate the report prior to any selective viewing by a potential engaging party, as disclosed by Arndt in the system disclosed by Shapiro, for the advantage of providing a method/system for performing a candidate-initiated background check and verification, with the ability to increase system effectiveness/clarity by allowing the user (registrant) to provide additional information regarding verification results.
7. As per Claim 2 and 18, Shapiro and Arndt disclose wherein the candidate is a job seeker, the potential engaging party is a potential employer having a pre-defined set of criteria for persons the employer is willing to hire, and the particular engagement is employment with the employer (Arndt: Para 0038; Shapiro: C5 L64-66, job candidate).
8. As per Claims 3 and 19, Shapiro and Arndt disclose wherein the candidate is a date seeker that is using a dating service, the potential engaging party is a person having a pre-defined set of criteria for date seekers that person is willing to date, and the particular engagement is a date with that person (Arndt: Para 0005).
9. As per Claim 4 and 20, Shapiro and Arndt disclose wherein the candidate-initiated background check and verification is performed online, and issuing the candidate-

initiated query is triggered in response to the candidate providing input via the Internet (Arndt: Para 0019, preferred embodiment a website).

10. As per Claim 5 and 21, Shapiro and Arndt disclose wherein the candidate-initiated background check and verification is performed in the context of an online job search service or an online dating service (Arndt: Para 0005).
11. As per Claim 6 and 22, Shapiro and Arndt disclose storing the information associated with various potential candidates in one or more local databases, thereby enabling rapid query-based searching (Shapiro: C10 L66-67, C11 L1-10).
12. As per Claim 8 and 24, Shapiro and Arndt disclose wherein issuing the candidate-initiated query to one or more databases includes accessing one or more remote databases (Shapiro: C3 L26-43).
13. As per Claim 9 and 25, Shapiro and Arndt disclose prompting the candidate to provide personal information needed to execute the query, the personal information including at least one of the candidate's name, social security number, date of birth, and current address (Arndt: Para 0023-0024).
14. As per Claim 10 and 26, Shapiro and Arndt disclose wherein issuing the candidate-initiated query to one or more databases further includes at least one of searching for the candidate's address history, searching for civil action records associated with the candidate, searching for criminal records associated with the candidate, and verifying the candidate's social security number (Arndt: Para 0029).

15. As per Claim 11, Shapiro and Arndt disclose wherein the search modules further includes one or more display modules, each configured to enable display of at least a portion of the results included in the report (Arndt: Fig.6, Claim 2).
16. As per Claim 12 and 27, Shapiro and Arndt disclose assigning the candidate a unique identification number that allows the potential engaging party to access the report (Shapiro: C3 L17-26).
17. As per Claim 13 and 28, Shapiro and Arndt fail to expressly disclose associating the report with an expiration date.
18. However, Official Notice is given that background checks were commonly given an expiration date at the time the invention was made to ensure valid/updated data.
19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the report is associated with an expiration date, in the system disclosed by Arndt, in the system disclosed by Shapiro, for the advantage of providing a method/system, for performing a candidate-initiated background check and verification, with the ability to increase system effectiveness/efficiency by providing only valid (non-expired) data to users for effective decision making.
20. As per Claim 29, Shapiro and Arndt disclose associating the report with a seal that is placed on at least one of the candidate's resume, application online dating service file, or advertising, wherein the seal indicates to the potential engaging party that the report is available (Arndt: Para 0036; Shapiro: C9 L35-40).

21. As per Claim 30, Shapiro and Arndt disclose allowing the potential engaging party to review the report in response to the candidate releasing the report for review (Arndt: Para 0035-0036).
22. As per Claim 31, Shapiro and Arndt disclose allowing the potential engaging party to sanction additional reports relevant to the candidate in response to the candidate's approval (Shapiro: Fig.2, C10 L30-50).
23. As per Claim 32, Shapiro and Arndt fail to expressly disclose notifying the candidate that the report has expired if an expiration date associated with report has passed.
24. However, Arndt discloses setting an expiration time for the link to the verification data (Para 0036), and allows users to repeat the Personal Profile verification method as often as desired (Para 0037).
25. Furthermore, Shapiro discloses offering the registrant (user) the opportunity to update the MVD (Master Verification Document) immediately or periodically (C9 L7-19).
26. Finally, Shapiro discloses offering the verification system in an electronic (web-enabled) format (C2 L1-14) and Official Notice is given that time-based electronic notifications (i.e. e-mails, pop-up alerts) were well known at the time the invention was made.
27. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included notifying the candidate that the report has expired if an expiration date associated with report has passed, in the system disclosed by Arndt, in the system disclosed by Shapiro, for the advantage of providing a method/system, for performing a candidate-initiated background check and verification, with the ability to

increase system effectiveness by maintaining updated verification information for accurate decision making purposes.

28. As per Claim 33, Shapiro and Arndt disclose recertifying (updating) the report in response to the candidate affirmatively responding to the notifying (See Rejection of Claim 32; Shapiro: C9 L15-19).
29. As per Claim 34, Shapiro and Arndt disclose periodically recertifying the report to prevent engagement based on stale data (Shapiro: C9 L15-19).
30. As per Claim 35, Shapiro discloses wherein an outside party can independently request a verification report (C10 L30-50). Shapiro further discloses offering the registrant (in this case the outside party) the opportunity to update the MVD (Master Verification Document) immediately or periodically (C9 L7-19).
31. As per Claim 36, Shapiro and Arndt fail to expressly disclose wherein the candidate-initiated background check and verification is performed on-site using a kiosk.
32. However, Shapiro discloses running the verification system/method on a Web-Enabled Device (C2 L1-11), and Official Notice is given that Kiosks were a well known way of providing public access web-based/computer enabled services at the time the invention was made.
33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the candidate-initiated background check and verification is performed on-site using a kiosk, in the system disclosed by Arndt, in the system disclosed by Shapiro, for the advantage of providing a method/system for performing a candidate-initiated background check and verification, with the ability to

increase system effectiveness by providing access the system in publicly accessible formats.

34. **Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro in view of Arndt, and further in view of Silva et al. (US 2005/0021551 A1).**
35. As per Claim 7, 23, Shapiro and Arndt fail to expressly discloses stocking the one or more local databases at least in part using data crawler application that search target remote databases.
36. However, Silvia discloses stocking the one or more local databases at least in part using data crawler application that search target remote databases for use in a user data verification method (Para 0037, Para 0040).
37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included stocking the one or more local databases at least in part using data crawler application that search target remote databases, as disclosed by Silvia in the system disclosed by Arndt, in the system disclosed by Shapiro, for the advantage of providing a method/system, for performing a candidate-initiated background check and verification, with the ability to increase system effectiveness/efficiency by consistently updating local databases with the most current verification data available.
38. **Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro in view of Silva.**
39. As per **independent Claim 14**, Shapiro discloses a system for performing a candidate-initiated background check and verification (Fig.2), the system comprising: a search

module configured to issue a candidate-initiated query to the database (Fig.2, Candidate enters site and registers data for verification and storage; C3 L26-43, C7 L18-36) to assess the candidate's acceptability for the particular engagement (C5 L44-47; C5 L64-66, job candidate); a report generation module configured to generate a report that includes query results provided by the one or more search modules (C7 L56-66, MVD – Master Verification Document), the results indicating the candidate's acceptability for the particular engagement (C5 L44-47; C5 L64-66, job candidate), and the report is associated with a unique identification number that allows the potential engaging party to access the report (C3 L16-26).

40. Shapiro fails to expressly disclose a local database stocked with information relevant to various potential candidates, wherein the information enables at least one of background checks and verification to be performed so as to pre-screen a candidate's acceptability for a particular engagement; one or more search modules communicatively coupled with the database.
41. However, Silvia discloses stocking the one or more local databases at least in part using data crawler application that search target remote databases; and one or more search modules communicatively coupled with the database for use in a user data verification method (Para 0037, Para 0040).
42. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a local database stocked with information relevant to various potential candidates, wherein the information enables at least one of background checks and verification to be performed so as to pre-screen a candidate's

acceptability for a particular engagement; one or more search modules communicatively coupled with the database, as disclosed by Silvia in the system disclosed by Shapiro, for the advantage of providing a method/system, for performing a candidate-initiated background check and verification, with the ability to increase system effectiveness/efficiency by consistently updating local databases with the most current verification data available.

43. As per Claim 15, Shapiro and Silvia disclose wherein the report generation module is further configured to associate the report with a seal that is placed on at least one of the candidate's resume, application, online dating service file, or advertising, and the seal indicates to the potential engaging party that the report is available (Shapiro: C9 L35-40, document is marked).
44. As per Claim 16, Shapiro and Silvia fail to expressly disclose wherein the report is associated with an expiration date.
45. However, Official Notice is given that background checks were commonly given an expiration date at the time the invention was made to ensure valid/updated data.
46. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the report is associated with an expiration date, in the system disclosed by Silvia, in the system disclosed by Shapiro, for the advantage of providing a method/system, for performing a candidate-initiated background check and verification, with the ability to increase system effectiveness/efficiency by providing only valid (non-expired) data to users for effective decision making.

*Conclusion*

47. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

48. The following foreign patent is cited to show the best foreign prior art found by the examiner:

**PCT No. WO 200133421 A1 to Gibbs et al.**

Gibbs discloses a candidate profile creating system for assisting a candidate in obtaining employment, which has modules for testing candidate skills, obtaining background checks, and training the candidate for interviews.

49. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:

**Backgrounds Online (www.backgroundsonline.com, Retrieved from Internet Archive Wayback Machine <www.archive.org>, Date Range: 4/27/1999-10/6/2000)**

Backgrounds Online disclose a system for providing background checks for employer/candidates online.

50. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

51. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
52. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.
53. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

April 29, 2005



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600